

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) Device for recording information on a record carrier of a re-writable type by writing marks in a track on a recording layer via a beam of radiation, the recording layer comprising a pre-track pattern {14}—indicating the position of the track, the device comprising a head {22}—for providing the beam, recording means {20,28,29}—for recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer, and formatting means {36}—for formatting the record carrier, the formatting comprising writing data on the record carrier indicating that the recording area does not contain user data, and providing on the record carrier status information indicating a size of a contiguously written area that extends from the beginning of the recording area in dependence on detecting a pre-existing contiguously written area that extends from the beginning of the recording area.

2. (Currently amended) Device The device as claimed in claim 1,
wherein the formatting means (36)—are arranged for said detecting
by retrieving status information indicating a size of a
contiguously written area that extends from the beginning of the
recording area.

3. (Currently amended) Device The device as claimed in claim 1,
wherein the formatting means (36)—are arranged for said providing
by maintaining status information indicating a size of a
contiguously written area that extends from the beginning of the
recording area in the event of a previously written record carrier.

4. (Currently amended) Device The device as claimed in claim 1,
wherein the formatting means (36)—are arranged for said providing
by maintaining status information in the lead-in zone relating to
de-icing and resetting a control parameter indicating the end of
the user data.

5. (Currently amended) Device The device as claimed in claim 1,
wherein the formatting means (36)—are arranged for said detecting

by detecting if the record carrier contains written data in the recording area, and if not, setting the size of the pre-existing contiguously written area to zero.

6. (Currently amended) Device—The device as claimed in claim 1, wherein the formatting means {36}—are arranged for recording a shortened lead-in starting at a shifted starting position beyond a predefined starting position and/or ending at position before a predefined ending position, in particular the predefined recording format being DVD and the shifted starting position being 23.4 mm radial.

7. (Currently amended) Device—The as claimed in claim 1, wherein the formatting means {36}—are arranged for said writing data on the record carrier indicating that the recording area does not contain user data by writing dummy data in at least one predetermined address range used for storing file system data, in particular the dummy data being zero data.

8. (Currently amended) Device—The device as claimed in claim 7, wherein the formatting means {36}—are arranged for said writing

dummy data in a first predetermined address range at the beginning of the recording area and/or a second predetermined range at the end of the recording area as the at least one predetermined range of addresses, in particular the first and second ranges being predetermined based on address ranges known to be used for file system data by a plurality of file system versions.

9. (Currently amended) Method of recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation, the recording layer comprising a pretrack pattern {14}—indicating the position of the track, the method comprising recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer, and formatting the record carrier, the formatting comprising writing data on the record carrier indicating that the recording area does not contain user data, and providing on the record carrier status information indicating a size of a contiguously written area that extends from the beginning of the recording area in dependence on detecting a pre-existing contiguously written area that extends from the

beginning of the recording area.

10. (Currently amended) Computer program product for recording information stored on a computer readable medium, which program is operative to cause a processor to perform the method as claimed in claim 9:

initiate recording information on a re-writable record carrier according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer, and initiate formatting, the formatting comprising writing data on the record carrier indicating that the recording area does not contain user data, and initiate providing on the record carrier status information indicating a size of a contiguously written area that extends from the beginning of the recording area in dependence on detecting a pre-existing contiguously written area that extends from the beginning of the recording area.

11. (New) Device for recording information on a record carrier of a re-writable type by writing marks in a track on a recording layer, the recording layer comprising a pre-track pattern

indicating the position of the track, the device comprising:

a recording device configured to record the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer, and

a processor configured to control writing data on the record carrier indicating that the recording area does not contain user data, and configured to provide on the record carrier status information indicating a size of a contiguously written area that extends from the beginning of the recording area in dependence on detecting a pre-existing contiguously written area that extends from the beginning of the recording area, wherein the processor is arranged to control recording of a shortened lead-in starting at a shifted starting position beyond a predefined starting position and/or ending at position before a predefined ending position, wherein the predefined starting and ending positions are defined by a recording format.

12. (New) The device as claimed in claim 10, wherein the recording format is a DVD recording format.

13. (New) The device as claimed in claim 10, wherein the shifted starting position is 23.4 mm radial.